

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Theresa LaBrasseur, R.D.A..
Registration No. A8522

**STIPULATION AND ORDER FOR
CONDITIONAL REGISTRATION**

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to register and regulate dental assistants, to refer complaints against dental assistants to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint against Theresa LaBrasseur, R.D.A. ("Registrant"). The Board's Complaint Committee ("Committee") reviewed the complaint and held a conference for December 5, 2003 with Registrant. The Committee and Registrant have agreed that the matter may now be resolved by this stipulation and order.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Registrant and the Committee as follows:

A. Jurisdiction. Registrant is registered as a dental assistant in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this stipulation. Registrant states that she does not hold a registration as a dental assistant in any other jurisdiction and does not hold any other professional or occupational licenses.

B. Facts. This stipulation is based upon the following facts:

a. On December 3, 2002, Registrant reported herself to the Health Professionals Services Program ("HPSP"). Registrant told HPSP staff that she had had three DWIs in the past two years. After the second DWI in March 2001, she went to outpatient treatment for alcohol dependence at Regions Hospital Alcohol and Drug Abuse Program, but relapsed during treatment. Then, Registrant went to inpatient treatment at Park Avenue Center for ten days, relapsing during aftercare. After her third DWI on October 20, 2002, she began outpatient treatment on December 3, 2002, for alcohol dependence at St. Joseph's Hospital followed by twelve weeks of aftercare. In addition, Registrant is with Ramsey County Probation for two years and is being monitored through Project Remand with a breathalyzer and UAs.

b. On February 13, 2003, Registrant signed a Participation Agreement with HPSP for monitoring her substance abuse and a psychiatric disorder. Terms of Registrant's Monitoring Plan included a "no practice" restriction until authorized or amended by HPSP.

c. On April 8, 2003, Registrant successfully completed her twelve weeks of aftercare at St. Joseph's Hospital.

d. On April 10, 2003, HPSP contacted Registrant and learned that she had been working as a dental assistant for Michael Stoor, D.D.S., since December 9, 2002. Registrant stated that she had not been informed of any practice restrictions at the intake interview and had failed to read the Participation Agreement/Monitoring Plan before signing it. HPSP contacted the Committee with this information and continued to monitor Registrant. On April 24, 2003, Registrant met with her case manager and the HPSP medical consultant to review her situation and get recommendations on the no practice restriction.

e. After the April 24, 2003 meeting, Registrant's Monitoring Plan was revised to lift the restriction from her plan.

f. On October 8, 2003, HPSP notified the Committee that Registrant had missed three drug screens: 1) on May 3, 2003, she failed to call the toxline; 2) on August 29, 2003, she was uncertain as to the reason for missing; and 3) on October 2, 2003, she went to a lab, but failed to bring her photo identification to have the screen. As Registrant's previous screens had been negative and she was in compliance with her monitoring plan, HPSP proposed to continue monitoring her unless the Committee directed otherwise.

g. On October 9, 2003, HPSP notified the Committee that Registrant's October 6, 2003 toxicology screen was positive for cocaine and she had been discharged from HPSP.

h. On October 9 and 10, 2003, Registrant contacted the Board office to acknowledge that she had relapsed and had been discharged from HPSP. She admitted to working as a dental assistant on the day of her positive screen, but denies being under the influence while working. Registrant's employment with Dr. Stoor was terminated upon notice from HPSP of her positive screen. Since her relapse, Registrant has attended AA regularly, has a sponsor, and is willing to enter a relapse program.

C. Violations. Registrant admits that the facts and conduct specified above violate Minn. Stat. § 150A.08, subd. 1(6), and (8) and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Registrant and the Committee recommend that the Board issue an order which places CONDITIONS on Registrant's registration as a dental assistant in the State of Minnesota as follows:

CONDITIONS

1. Registrant shall totally abstain from ingesting, injecting, or otherwise taking or using any mood-altering chemical or drug, including, but not limited to alcohol. This prohibition does not apply to legend drugs, including controlled substances, which are prescribed for Registrant by a licensed physician or dentist as part of a course of treatment.

2. Within fourteen (14) days of the issuance of this stipulation and order, Registrant shall enroll in HPSP for monitoring of her chemical dependency recovery. Registrant shall provide HPSP with a copy of this stipulation and order at the time of enrollment. Registrant must return the signed Participation Agreement to HPSP within 14 days of receiving the Participation Agreement from HPSP. Failure to meet either of these deadlines will be considered a violation of this stipulation and order.

3. Registrant shall be monitored by HPSP until HPSP determines Registrant is qualified to practice without conditions.

4. Registrant shall comply with all provisions of her HPSP Participation Agreement, including revisions subsequent to this order. Registrant's failure to comply with her HPSP Participation Agreement shall be considered a violation of this stipulation and order.

5. Other Conditions.

a. Registrant shall comply with the laws or rules of the Board of Dentistry. Registrant agrees that failure to comply with the Board's laws or rules shall be a violation of this stipulation and order.

b. Registrant shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this stipulation and order, including requests for explanations, documents, office inspections, and/or appearances at conferences. Minn. R. 3100.6350 shall be applicable to such requests.

c. In the event Registrant should leave Minnesota to reside or practice outside the state, Registrant shall notify the Board in writing of the new location within five days. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Registrant's discipline in Minnesota unless Registrant demonstrates that practice in another state conforms completely with this stipulation and order.

E. Removal of Conditions. Registrant may petition to have the conditions removed from Registrant's registration at any regularly scheduled Board meeting after Registrant has complied with all the conditions of her Participation Agreement with HPSP, provided that Registrant's petition is received by the Board at least 30 days prior to the Board meeting. At the time of Registrant's petition, Registrant shall have the burden of proof proving that Registrant has complied with her Participation Agreement with HPSP and the conditions of this stipulation and order and that the Registrant is qualified to practice without conditions. Registrant's compliance with these conditions shall not create a presumption that the conditions should be removed.

Upon consideration of the evidence submitted by Registrant or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this order.

F. Fine for Violation of Order. If information or a report required by this stipulation and order is not submitted to the Board by the due date, or if Registrant otherwise violates this stipulation and order, the Committee may fine Registrant \$100 per late report or other violation. Registrant shall pay the fine and correct the violation within five days after service on Registrant of a demand for payment and correction. If Registrant fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Registrant waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by writ of certiorari under Minn. Stat. §480A.06, by application to the Board or otherwise. Neither the imposition of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

G. Additional Discipline for Violation of Order. If Registrant violates this stipulation and order, Minn. Stat. ch. 150A, or Minn. R. ch. 3100, the Board may impose additional discipline pursuant to the following procedure:

1. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Registrant a notice of the violation alleged by the Committee and of the time and place of the hearing. Within seven days after the notice is mailed, Registrant shall submit a response to the allegations. If Registrant does not submit a timely response to the Board, the allegations may be deemed admitted.

2. At the hearing before the Board, the Committee and Registrant may submit affidavits made on personal knowledge and argument based on the record in support of

their positions. The evidentiary record before the Board shall be limited to such affidavits and this stipulation and order. Registrant waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

3. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Registrant's practice, or suspension or revocation of Registrant's registration.

H. Other Procedures for Resolution of Alleged Violations. Violation of this stipulation and order shall be considered a violation of Minn. Stat. § 150A.08, subd. 1(13). The Committee shall have the right to attempt to resolve an alleged violation of the stipulation and order through the procedures of Minn. Stat. § 214.103, subd. 6. Nothing herein shall limit (1) the Committee's right to initiate a proceeding against Registrant pursuant to Minn. Stat. ch. 14, or (2) the Committee's and the Board's right to temporarily suspend Registrant pursuant to Minn. Stat. § 150A.08, subd. 8, based on a violation of this stipulation and order or based on conduct of Registrant before or after the date of this stipulation which is not specifically referred to in paragraph B. above.

I. Registrant attended a conference with the Committee on December 5, 2003. The Committee was comprised of Freeman Rosenblum, D.D.S., Ronald King, DD.S. and Nadene Bunge, D.H. Assistant Attorney General Rosellen Condon represented the Committee at the conference. Although Registrant was informed in the Notice of Conference that she could be represented by legal counsel, Registrant has voluntarily and knowingly waived legal representation.

J. Waiver of Registrant's Rights. For the purpose of this stipulation, Registrant waives all procedures and proceedings before the Board to which Registrant may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the facts contained in this stipulation and order and to dispute the appropriateness of discipline in a contested proceeding pursuant to Minn. Stat. ch. 14. Registrant agrees that upon the application of the Committee without notice to or an appearance by Registrant, the Board may issue an order imposing the discipline specified herein. The Committee may participate in Board deliberations and voting concerning the stipulation. Registrant waives the right to any judicial review of the order by appeal, writ of certiorari, or otherwise.

K. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this stipulation or a lesser remedy than specified herein, this stipulation and order shall be null and void and shall not be used for any purpose by either party hereto. If this stipulation is not approved and a contested case proceeding is initiated pursuant to Minn. Stat. ch. 14 and section 150A.08, Registrant agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation and the record.

L. Record. This stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this stipulation. Any reports or other material related to this matter which are received after the

date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

M. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. part 60), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank.

N. Entire Agreement. Registrant has read, understood, and agreed to this stipulation and is freely and voluntarily signing it. This stipulation contains the entire agreement between the parties hereto. Registrant is not relying on any other agreement or representations of any kind, verbal or otherwise.


O. Service and Effective Date. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Registrant. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

REGISTRANT

COMPLAINT COMMITTEE


THERESA LABRASSEUR, R.D.A.

By:


MARY P. DEE
Complaint Unit Supervisor

Dated:

2/2/04

Dated:

2/3/2004

ORDER

Upon consideration of the foregoing stipulation and based upon all the files, records, and proceedings herein,

The terms of the stipulation are approved and adopted, the recommended disciplinary action set forth in the stipulation is hereby issued as an order of this Board placing CONDITIONS on Registrant's registration effective this 26th day of March, 2004.

MINNESOTA BOARD
OF DENTISTRY

By: Linda R. Boyum
President

AG: #962397-v1